

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS E F T O SECTION 01 OF 02 VILNIUS 000706

SIPDIS

SENSITIVE NOFORN

STATE FOR EUR/OHI AND EUR/NB

E.O. 12958: N/A

TAGS: PHUM PREL SOCI LH

SUBJECT: LITHUANIAN COURT FINES EDITOR FOR ANTI-SEMITIC EDITORIALS

REF: A. 04 VILNIUS 256

B. VILNIUS 562

C. 04 VILNIUS 212

SENSITIVE BUT UNCLASSIFIED -- NOFORN

SUMMARY

1. (U) Vilnius Administrative Judge Audrius Cininas fined Vitas Tomkus, editor-in-chief and sole owner of Lithuania's second largest daily, "Respublika," 3,000 LTL (US\$1,035) on July 7 for inciting anti-Semitism in a series of editorials in 2004. The court held that, by publishing editorials claiming that Jews and homosexuals "rule the world" (ref A), the paper violated administrative law prohibiting "dissemination of a publication that instigates national, racial, or religious discord." In advance of the trial, Tomkus's newspapers published negative articles in a calculated assault on the court and against the judge personally. Tomkus also attempted to embarrass Rabbi Andrew Baker, an American, who testified at the hearing. END SUMMARY.

THE HEARING - SHORT AND UNCOMPLICATED

2. (U) We attended the four-hour administrative hearing on July 5, in which Tomkus refused to participate and was not represented by counsel. Although there was very little prior coverage of the situation in the press, every major media outlet sent representatives to observe.

3. (U) The prosecutor began by reading the text of each charge against Tomkus. Next, Judge Audrius Cininas read into the record the conclusions of an expert panel composed of academics, which found that the Tomkus articles published in "Respublika" and Tomkus's tabloid paper "Vakaro Zinios" were intentionally anti-Semitic and propagate the myth of a world Jewish conspiracy.

4. (U) The court then called on Rabbi Andrew Baker of the American Jewish Committee. Baker is a prominent participant in anti-Semitism conferences in Europe, is heavily involved in the Jewish communal property restitution process in Lithuania, and has been the official U.S. representative to the annual OSCE anti-Semitism conference. In his statement, Baker drew allusions between the anti-Semitic cartoons in Nazi-era newspapers and the cartoons published in "Respublika." He also mentioned that the articles rely on "all the old myths of anti-Semitism." Baker closed with remarks on the OSCE definition of anti-Semitism and said that he saw this hearing as a manifestation of the GOL's commitment to fight anti-Semitism.

5. (U) Lithuanian Jewish Community attorney Faina Kuliansky presented a closing statement, saying "Whatever the outcome, people will still say the same things. If we win, that says the Jews control the world, and if we lose, that says that Tomkus was right and the Jews control the world." Kuliansky asked the judge to impose the maximum penalty on Tomkus.

6. (U) The judge could have imposed a fine of up to 5,000 LTL and ordered the seizure of Tomkus's printing equipment. Cininas stated that since Tomkus was a "first-time offender," he would not order the confiscation. Tomkus's fine outweighs those imposed on three newspaper editors, including those of the Russian-language versions of "Respublika" and "Vakaro Zinios," who the same court previously convicted of disseminating the editorials. Judge Cininas ordered them to pay fines of between 1,000 and 1,200 LTL(ref B).

RABBI BAKER'S TAKE ON THE SITUATION

7. (SBU/NF) Baker told us privately on June 21 that Jewish community attorney Kuliansky had initially asked him to testify. After consulting with our Mission, he sent a letter

to the judge, saying, in effect, he would testify if asked. However, media reports claimed that Baker had requested the opportunity to speak.

18. (SBU/NF) Baker told us on the margins of the hearing that he believes GOL officials frequently seek to pass responsibility for these types of prosecutions to outsiders in order to give themselves cover. In his opinion, that was one reason the judge and the Jewish community attorney requested his presence. Baker also cited a previous meeting on property restitution with President Valdas Adamkus in February, which we attended, where the President himself raised the Respublika articles. In the Presidency's press release, Baker was said to have raised the issue and been outraged that more was not being done. Shortly thereafter, the prosecutor's office reopened the case and filed charges. Baker said as long they make progress on these issues, it is fine with him if they pass the buck. After the judge's verdict was announced, Baker told the CDA that he was pleased with the trial's outcome.

TOMKUS GETS PERSONAL

19. (U) Both of Tomkus's papers ("Respublika" and "Vakaro Zinios") published numerous articles in advance of the hearing depicting the judge and the Jewish community as corrupt. In the week leading up to the trial, there were at least two speculative and tendentious articles each day in "Respublika" and three in "Vakaro Zinios" describing the alleged corruption in the case and illegal actions of the judge.

110. (U) Both papers published stories claiming that the judge's ex-wife built a small summer home on the judge's father's property without a permit. The stories concluded that the house was actually Judge Cininas's, and this was his way to avoid being accused of violating property laws. The other primary allegation, repeated daily, was that the judge illegally compelled Tomkus's attendance in court during the first attempt to start the hearing and that therefore the entire process was corrupt. (NOTE: Based on reported public comments from various officials, it is possible that Judge Cininas did overstep his authority by attempting to compel Tomkus's appearance in an administrative case. END NOTE.)

111. (U) Tomkus's papers targeted Rabbi Baker after his testimony, stating that he did not show proper respect to the court because he appeared "bored" and chewed gum during the proceedings. Both papers also ran stories claiming that Baker disposed of his gum by sticking to the underside of the desk in front of his chair - complete with a picture of the underside of the desk (with gum) in "Vakaro Zinios."

COMMENT

112. (SBU/NF) It is encouraging that the court agreed with its experts and found Tomkus guilty, ignoring his scurrilous attempts to smear the involved participants. Unfortunately, Tomkus's shrill allegations of impartiality and corruption will likely find some willing listeners among the public, many of whom still harbor latent anti-Semitism. Lithuania has made significant strides in combating intolerance and promoting the rule of law, but must continue its work. We will also continue our outreach on tolerance issues and Holocaust education, making sure these topics stay in the public psyche.

113. (SBU/NF) The name-calling and juvenile allegations in this case also highlight Lithuania's weak journalistic standards, especially in the print media. Tomkus, as the sole owner of "Respublika" and "Vakaro Zinios," continues to use his position to promote intolerant views and to attack those who he sees as enemies. In this situation, Tomkus's attempts at muckraking and undermining the judge and the legal process were mostly unsuccessful, since he could not find any direct evidence of corruption.

Kelly